

JOURNAL OF THE HOUSE.

Tuesday, June 1, 2004.

Met according to adjournment, at one o'clock P.M., in an Informal Session, with Mr. Koutoujian of Waltham in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, at the beginning of today's session and a new month, we look to You for guidance and direction in our task of addressing current legislative issues and personal responsibilities. In these uneasy times, we depend upon Your gift of wisdom, not merely human wisdom, which enables us to see reality and complex issues more clearly. Inspire us by our creative and dedicated leadership to promote legislation which enables people to achieve a happy, meaningful, healthy and productive life. By our commitment to traditional principles and values, may we continue to build trust and confidence in each other and in our institutions.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Koutoujian), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Engrossed Bill.

The engrossed Bill to improve public health in the Commonwealth (see House, No. 4256, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Resolutions.

Mr. Donato of Medford being in the Chair,— the following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Carron of Southbridge) congratulating Richard T. Kwiatkowski on the occasion of his retirement;

Richard T.
Kwiatkowski.

Resolutions (filed by Mr. Carron of Southbridge) congratulating Edgar McCann on the occasion of his retirement;

Edgar
McCann.

Resolutions (filed by Ms. Donovan of Woburn) congratulating Nicholas Francis Michienzi on receiving the Eagle Award of the Boy Scouts of America; and

Nicholas
Francis
Michienzi.

Resolutions (filed by Mrs. Pope of Wayland) congratulating Michael C. Dunne on the occasion of his retirement;

Michael C.
Dunne.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Fallon of

Malden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Bills

Teachers
retirement.

Authorizing the state Teachers' Retirement Board to grant creditable service to certain employees (Senate, No. 2121, amended by adding at the end thereof the following section:

"SECTION 3. Said section 4 of said chapter 32 is hereby further amended by inserting after paragraph (g½), as appearing in the 2002 Official Edition, the following paragraph:—

(g¾) The period or periods before 1975 during which any member of the teachers' retirement system or teacher who was a member of the State-Boston retirement system, who has been retired and who is receiving a retirement allowance under this chapter, who resigned for the purposes of maternity leave or who was on unpaid leave of absence for such purposes from the governmental unit in which the member was employed as a teacher and in which she had established membership in a Massachusetts contributory retirement system, shall be allowed as creditable service, on a proportionate basis, which the board shall determine according to rules and regulations adopted by the board and approved by the commission. No credit shall be allowed under this paragraph unless the teacher had completed 10 years of service. No credit shall be allowed under this paragraph for any period for which creditable service has otherwise been granted under any general or special law. The maximum creditable service allowable under this paragraph for any member shall not exceed 4 years. The maximum increase in normal yearly amount of allowance granted under this section shall not exceed \$10,000 per year.") (on Senate, Nos. 1398, 1415, 1613 and 2062 and House, Nos. 1195, 1343, 1583, 2680 and 2865);

Korean War
veterans.

Relative to the definition of Korean War veteran (Senate, No. 2136) (on a petition);

Public
construction.

Further regulating public construction in the Commonwealth (Senate, No. 2358, amended by inserting after section 32 the following section:

"SECTION 32A. Notwithstanding any general or special law to the contrary, the Massachusetts Development Finance Agency shall make not less than \$500,000 available in fiscal year 2005 for a contract with the Massachusetts Alliance for Small Contractors for the purpose of providing technical assistance, education, capacity building, and support services to small businesses, minority owned businesses and women owned businesses, with a particular focus on the businesses that are seeking to participate in public building projects and public works projects.") (on a part of Senate bill, No. 1397);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2368) of Donna Engen for legislation to further regulate school choice admission of siblings. To the committee on Education, Arts and Humanities.

School
choice.

Petition (accompanied by bill, Senate, No. 2369) of Stanley C. Rosenberg, Andrea F. Nuciforo, Jr., Thomas M. Petrolati, John W. Scibak and other members of the General Court for legislation to establish the Hampshire County Regional Housing Authority. To the committee on Housing and Urban Development.

Hampshire
county
housing
authority.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Brian Knuuttila, other members of the General Court and others for legislation to establish a penalty for hazardous operation of a motor vehicle covered with ice or snow. To the committee on Criminal Justice.

Vehicles,
ice and snow
removal.

Petition (accompanied by bill) of Daniel E. Bosley and Michael W. Morrissey relative to the inspection and certification of air tanks on utility high voltage circuit breakers. To the committee on Government Regulations.

Circuit
breakers,
inspection.

Petition (accompanied by bill) of Robert A. DeLeo and other members of the House relative to the administration of a drug prior authorization process by the Division of Medical Assistance; and

Drug prior
authorization
process.

Petition (accompanied by bill) of Kathi-Anne Reinsteint for legislation to require pharmacists to inform purchasers of drugs of the availability of over-the-counter interchangeable drug products;

Pharmacists.

Severally to the committee on Health Care.

Petition (accompanied by bill) of Ronald Mariano and Guy W. Glodis for legislation to establish a motor vehicle protection product law to be administered by the Division of Insurance. To the committee on Insurance.

Vehicle
protection
act.

Petition (accompanied by bill) of Frank I. Smizik relative to frivolous or bad faith claims and defenses in the district courts;

Frivolous
claims.

Petition (accompanied by bill) of Brian Knuuttila and Stephen M. Brewer relative to the punishment of criminal defendants concealing their face during courtroom proceedings;

Criminal
defendants.

Petition (accompanied by bill) of Patrick Szymkowski relative to the appointment of guardians ad litem by the Probate Court to investigate custody proceedings involving children and domestic relations matters; and

Guardians
ad litem.

Petition (accompanied by bill) of Kevin J. Murphy, David M. Nangle, Thomas A. Golden, Jr., and Steven C. Panagiotakos for legislation to protect owners of manufactured homes from attachment under the homestead law of the Commonwealth;

Homesteads.

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Stephen Kulik, Daniel E. Bosley, Christopher J. Donelan and Shaun P. Kelly relative to the reorganization of Franklin County. To the committee on Local Affairs and Regional Government.

Franklin
County.

Beaver
dams,
access.

Elevator
inspections,
fees.

Marlborough,
land
transfer.

Tax forms,
perjury
provisions.
Tax filings,
checks.

State
House
events.

Deerfield,
Belanger
bridge.

School
records,
access.

Safe driver insur-
ance
plan.

Petition (accompanied by bill) of Brian Knuuttila, Stephen M. Brewer, Mark J. Carron, Shaun P. Kelly and another relative to access to beaver dams to protect the public health and safety. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Brian Knuuttila, other members of the General Court and others relative to fees for safety tests and inspections of elevators. To the committee on Public Safety.

Petition (accompanied by bill) of Stephen P. LeDuc and Pamela P. Resor relative to the transfer of a certain parcel of land located in the city of Marlborough and under control of the Department of Conservation and Recreation to the Division of Capital Asset Management and Maintenance. To the committee on State Administration.

Petition (accompanied by bill) of Steven Drobnis for legislation to eliminate perjury provisions on certain tax forms;

Petition (accompanied by bill) of Louis L. Kafka relative to the acceptance of checks by the Department of Revenue; and

Petition (accompanied by bill) of Paul C. Casey and other members of the House relative to the exemption of rental charges of certain public events in the State House;

Severally to the committee on Taxation.

Petition (accompanied by bill) of Stephen Kulik and Stanley C. Rosenberg for legislation to designate a certain bridge on Route 116 in the town of Deerfield as the Sergeant Gregory A. Belanger Memorial Bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning non-custodial parents and health education (House, No. 4726), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 314) of Robert A. O'Leary, Mark J. Carron, Shirley Gomes and Eric Turkington for legislation relative to non-custodial parents access to a child's school records,— and recommending that the same be recommitted to the committee on Education, Arts and Humanities. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Insurance to make an investigation and study of certain House documents concerning insurance regulations (House, No. 4616), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1697) of Ronald Mariano relative to modifications to the safe driver insurance plan,— and recommending that the same be recommitted to the committee on Insurance. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Resolve providing for an investigation and study by a special commission on dog and animal statutes in the Commonwealth (House, No. 674),— and recommending that the same be referred to the committees on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Dog and
animal
statutes.

By Mr. Keenan of Southwick, for the committee on Medicaid, asking to be discharged from further consideration of the Bill relative to testing of inmates for Hepatitis C (House, No. 4586),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Inmates,
testing

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Authorizing payroll deductions for certain contributions to the State Police Museum Fund (Senate, No. 1417, amended);

State
Police.

Clarifying the powers and duties of the Charlton water and sewer commission (Senate, No. 2222) [Local Approval Received];

Charlton.

Authorizing the city of Revere to reduce water and sewer fee liability in exchange for volunteer services by persons over age 60 (Senate, No. 2223) [Local Approval Received];

Revere.

Relative to certain conservation land in the town of Amherst (Senate, No. 2261) [Local Approval Received]; and

Amherst.

Designating a portion of the Lowell Heritage State Park as the Mary Bacigalupo Victorian Garden (Senate, No. 2318, amended); and

Lowell,
Mary
Bacigalupo.

House bills

To ensure health and safety on public construction projects (House, No. 2367);

Construction.

Relative to a pension for a surviving spouse in the city of Springfield (House, No. 4157);

Doris
Shacrellah.

Amending Chapter 201 of the Acts and Resolves of 1945 (House, No. 4175) [Local Approval Received];

Methuen.

Providing for a retirement incentive for W. Philip Barrett and Claire Salois as employees of the city of Methuen (House, No. 4452) [Local Approval Received];

W.

Authorizing the town of Lancaster to lease certain land (House, No. 4628) [Local Approval Received];

Lancaster.

Establishing a sick leave bank for David Ponte an employee of the Trial Court (House, No. 4632); and

David
Ponte.

Relative to the Belchertown Economic Development and Industrial Corporation (House, No. 4692);

Belchertown.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Revere,
elected
officials.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill providing for filling vacancies in the office of mayor, city councillor-at-large, ward councillor and school committee member of the city of Revere (House, No. 4681) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

Transportation
system,
modernize.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 4758, reports, in part, a Bill modernizing the Commonwealth's transportation system (House, No. 4766) [Bond Authorization Sections 2, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H and 2I: \$971,423,000.00 — Bond Authorization Section 2J: \$1,093,250,000.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day.

Senate bills

Third
reading
bills.

Authorizing the town of Bedford to lease a certain parcel of land (Senate, No. 1979); and

Relative to the Cherry Valley sewer district 2000-2001 project (Senate, No. 2102);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third
reading
bill.

The recommitted House Bill relative to certain retirements in the city of Holyoke (House, No. 4391), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty-five minutes after one o'clock P.M., the Chair (Mr. Donato of Medford) declared a recess subject to the call of the Chair; and at fourteen minutes before four o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Engrossed Bill.

Bill
enacted.

The engrossed Bill authorizing the town of Bedford to lease a certain parcel of land (see Senate, No. 1979) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next
sitting.

At twelve minutes before four o'clock P.M., on motion of Ms. Grant of Beverly (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.